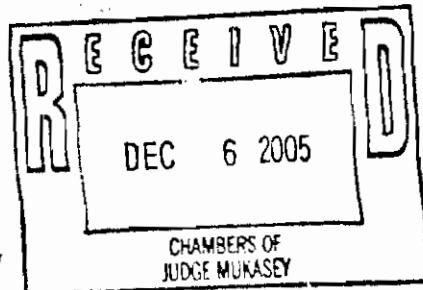


ALLAN P. HABER  
Attorney at Law  
52 Duane Street, 7<sup>th</sup> Floor  
New York, New York 10007-1207

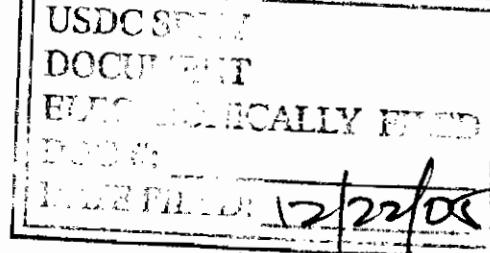


STEPHANIE CARVLIN  
GEORGES G. LEDERMAN  
OF COUNSEL

TELEPHONE: (212)233-4411  
FACSIMILE: (212)233-4414  
allanhaber@aol.com

December 6, 2005

Hon. Michael M. Mukasey, U.S.D.J.  
United States District Court  
United States Courthouse  
500 Pearl Street  
New York, NY 10007



**Re: U.S.A. v. Shawn Peterkin, Damian Brown , et al.  
05 Cr. 538 (MBM)**

Dear Judge Mukasey:

I am writing on behalf of all the attorneys in the above matter. We are collectively requesting an extension of time to file motions currently scheduled for December 9, 2005, for the reasons stated below. AUSA David Rody also consents to this extension should the Court grant our joint application.

AUSA David Rody, Andrew Petel, and George Goltzer have just completed a trial that began on October 31, 2005. As a consequence they have not had an opportunity to focus on the potential motion issues nor have they had the opportunity to discuss the available options with their respective clients. Co-counsel Stephanie Carvin and I have met with my our client Damian Brown about the possible motion issues and have determined that additional time is necessary to investigate issues raised by him during our consultation. I have also requested additional information from the government which is essential to any possible motions we expect to file. Unfortunately, because Mr. Rody was on trial he was unable to follow up on our request.

There are additional reasons that require consideration for an extension of time to file motions. It is my understanding that at our next scheduled court appearance, January 10, 2005, the government expects to file a new indictment charging the defendants with 18 U.S.C. §924(j).<sup>1</sup>

<sup>1</sup> This information was conveyed to co-counsel by the government during the extended trial discussed above.

Judge Mukasey, Page 2

Given this development it would be imprudent and a waste of judicial resources to file motions at this time. If the Court requires that motions be filed before the superceding indictment is filed all the parties agree, with the Court's approval, that we be allowed to file motions on the next scheduled court date.

Thank you for your consideration.

Respectfully,

*Allen P. Heller*

APH:fms

Andy Petel, Esq.

George Goltzer, Esq.

AUSA David Rody

*Motions granted.  
So ordered:  
Allen P. Heller  
12/12/05*